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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/535,893	03/27/2000	Fumihisa Shimono	P/29-1252	3965

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EXAMINER

MASKULINSKI, MICHAEL C

ART UNIT

PAPER NUMBER

2184

DATE MAILED: 08/04/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/535,893

Applicant(s)

SHIMONO, FUMIHISA

Examiner

Michael C Maskulinski

Art Unit

2184

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7,11 and 12 is/are rejected.
- 7) ☒ Claim(s) 3-5,8-10 and 13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Non-Final Office Action

Drawings

1. The corrected or substitute drawings were received on June 3, 2003. The Examiner accepts these drawings.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 6, 7, 11, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Hulyalkar et al., U.S. Patent 6,339,585 B1.

Referring to claims 1, 6, and 11:

- a. In column 4, lines 43-44, Hulyalkar et al. disclose base stations that are in selective wireless connection with one or more wireless terminals (a main unit for communicating with said client terminals).
- b. In column 11, lines 46-67, Hulyalkar et al. disclose that the base station (BS) will begin data transmission to the wireless terminal (WT). Such transmission may include a "ping" message to the WT, which would require the WT to respond. If the WT does not respond, the BS may either immediately

assume the WT is down or may repeat the acknowledgment request for a preselected number of times (a first fault detecting unit for detecting a fault on said main unit).

c. In column 11, lines 58-64, Hulyalkar et al. disclose that once the preselected number of times (which may be set to one (1), by way of example) has been exhausted, the BS would then relay the "ping" message to the WT via the TFN (temporary forwarding node). If the WT responds to the TFN and the TFN does receive the acknowledgment it is determined that the link between the BS and WT is down and the WT will communicate with the BS through the TFN (a disconnection controlling unit for disconnecting said client terminal connected to said access point where said fault was detected by said first fault detecting unit).

d. In column 4, lines 29-30, Hulyalkar et al. disclose wireless terminals and in Fig. 10, Hulyalkar et al. teach bi-directional communication between the wireless terminals and the base station. Therefore, the wireless terminal has a transceiver unit for communicating with an access point.

e. In column 13, lines 31-36, Hulyalkar et al. disclose that it is possible to select among multiple TFNs. In this configuration, the WT, when discovering that its link with the BS is down, would preferably determine the best TFN, based for example, on the received energy level from the energized TFNs and the multiple TFN phases received by the WT and generated by each respective TFN (a

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search controlling unit for searching for another client terminal to which said client terminal disconnected from said access point is to be connected).

f. In column 12, lines 17-53, Hulyalkar et al. teach a connection controlling unit for connecting said disconnected client terminal to said searched client terminal by said search controlling unit.

Referring to claims 2, 7, and 12, in column 14, lines 7-9, Hulyalkar et al. disclose that the TFN would merely be a conduit for transferring signaling messages between the WT and the CC (wherein each of said client terminals further comprises a repeat controlling unit for controlling communication between said disconnected client terminal and one of said access points connected to said searched client terminal).

Allowable Subject Matter

4. Claims 3-5, 8-10, and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments, see paper no. 8, filed June 3, 2003, with respect to the rejection(s) of claim(s) 1, 2, 6, 7, 11, and 12 under 35 U.S.C. 102(b) as being anticipated by the Applicant's admitted prior art have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hulyalkar et al., U.S. Patent 6,339,585 B1.

Conclusion

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,655,219 Jusa et al.

U.S. Patent 6,549,786 B2 Cheung et al.

U.S. Patent 6,556,553 B1 Palmer et al.

U.S. Patent 6,574,266 B1 Haartsen

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C Maskulinski whose telephone number is (703) 308-6674. The examiner can normally be reached on Mon-Thu 7:30-5 and Fri. 7:30-4 (second Fri.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W Beausoliel can be reached on (703) 305-9713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MM
July 28, 2003


SCOTT BADERMAN
PRIMARY EXAMINER